

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAMANTHA SIVA KUMARAN, et al., :  
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Plaintiffs, :  
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-v- :  
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NATIONAL FUTURES ASSOCIATION, et al., :  
:  
Defendants. :  
:  
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1:20-cv-03668-GHW

ORDER ADOPTING REPORT  
AND RECOMMENDATION

GREGORY H. WOODS, United States District Judge:

On October 6, 2020, Magistrate Judge Aaron issued a Report and Recommendation (“R&R”) recommending that Plaintiffs’ Motion to Reconsideration be granted as to Plaintiffs’ CEA § 22(b) claim, claims for injunctive relief, and state law claims, and denied as to Plaintiffs’ other claims. Dkt. No. 33 at 7, 8. Objections to the R&R were due October 20, 2020. *Id.* The Court did not receive any objections by that deadline.

When a party timely objects to a magistrate’s report and recommendation, a district court reviews, *de novo*, “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). However, a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.” *Braunstein v. Barber*, No. 06-cv-5978 (CS) (GAY), 2009 WL 1542707, at \*1 (S.D.N.Y. June 2, 2009).


Because the Court did not receive any objections by the stated deadline, the Court reviews the entire R&R for clear error because no objection triggers *de novo* review.

The Court has reviewed the R&R for clear error and finds none. The Court therefore accepts and adopts the Report and Recommendation in its entirety. Accordingly, Plaintiffs' motion for reconsideration, Dkt. No. 17, is GRANTED IN PART. Plaintiffs are given leave to amend their CEA § 22(b) claim, claims for injunctive relief, and state law claims. Plaintiffs' motion is DENIED as to Plaintiffs' other claims.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 17.

SO ORDERED.

Date: October 23, 2020

  
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GREGORY H. WOODS  
United States District Judge